

Notice of Allowability

Application No.

10/624,623

Examiner

Adolfo Nino

Applicant(s)

VASICHEK, RICHARD

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on 10/18/04.
2. ☒ The allowed claim(s) is/are 1-15 and 19-24.
3. ☒ The drawings filed on 22 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 7/12/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date enclosed
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with Allen Kamrath on October 18, 2004.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, line 6, between "constrained" and "between" insert the following:

---between the magnetic surface and the retaining member and also---

Claim 1, line 7, between "retaining end" and "when" insert the following:

---, with the spacing between the retaining end and the magnetic surface being sized to prohibit insertion or removal of the wire---

Claim 6, line 1, replace "The bracket of claim 1 further comprising, in combination:" with the following:

---Bracket for holding a wire adjacent to a magnetic surface of a planar or non-planar configuration comprising, in combination: a retaining member having a magnetic attracting end and a retaining end, with the retaining member shaped to accept the wire between the magnetic attracting end and the retaining end, with the wire held adjacent to the magnetic surface of the planar or non-planar configuration and constrained between the magnetic attracting end and the retaining end when the magnetic attracting

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end is held to the magnetic surface of the planar or non-planar configuration by magnetic force; with the retaining member formed of a plastic material that is flexible to form a plurality of holding shapes to correspond to the magnetic surface of the planar or non-planar configuration; with the plastic material being sturdy to retain one of the plurality of holding shapes while holding the wire adjacent to the magnetic surface of the planar or non-planar configuration; and---

Claims 16-18, cancel these claims.

Claim 19, line 9, replace "being adapted to hold" with ---holding---

Allowable Subject Matter

Claims 1-15 and 19-24 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1-5 and 10-12, the cited prior art does not disclose, teach or suggest, alone or in combination, a bracket for holding a wire adjacent to a magnetic surface comprising a retaining member having a magnetic attracting end and a retaining end, wherein the wire is constrained between the magnetic surface and the retaining member and also between the magnetic attracting end and the retaining end with the spacing between the retaining end and the magnetic surface being sized to prohibit insertion or removal of the wire when the magnetic attracting end is held to the magnetic surface; and wherein the retaining member is formed of plastic material that is flexible to form a plurality of holding shapes to correspond to the magnetic surface of the planar or non-planar configuration.

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With respect to claims 6-9 (as noted in office action mailed 7/6/04), the cited prior art does not disclose, teach or suggest, alone or in combination, a bracket formed of a flexible but sturdy plastic material to form a plurality of holding shapes to correspond to the magnetic surface of a planar or non-planar configuration where a magnetic attractor is attached to both ends (retaining and magnetic attracting ends) of the retaining member.

With respect to claim 19, the cited prior art does not disclose, teach or suggest, alone or in combination, a bracket comprising a retaining member having a magnetic end and a retaining end, and a first magnetic attractor attached to the magnetic attracting end; and a second magnetic attractor attached to the retaining end of the retaining member, with the first magnetic attractor being a size different than the second magnetic attractor.

With respect to claims 20-24 (as noted in office action mailed 7/6/04), the cited prior art does not disclose, teach or suggest, alone or in combination, a method comprising attaching a first magnet attractive fastener to a nonmagnetic surface; placing a wire adjacent the nonmagnetic surface and the first magnet attractive fastener attached to the nonmagnetic surface; constraining the wire within a bracket; magnetically attaching the bracket to the first magnet attractive fastener while the wire is constrained within the bracket; removing the bracket; removing the wire; storing the removed wire and the removed bracket; replacing the stored wire; and constraining the replaced wire within the removed bracket; and magnetically reattaching the removed bracket to the first magnet attractive fastener.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rivellino et al. (US 6,672,551 B2) disclose a device for hanging articles. Pitre (US 6,155,523) discloses a magnetic base holder.

Response to Arguments

Applicant's arguments, see "Substance of Interview", filed enclosed in this Office Action, with respect to claim 19 have been fully considered and are persuasive. The rejection of claim 19 has been withdrawn. Examiner agrees with Applicant that the cited prior art does not disclose, teach or suggest magnetic attractors being different sizes with respect to each other and that the court case used in Office Action filed 7/6/04 rejecting claim 19 does not teach or suggest a change in size between respective parts in a device, but merely a change in size of the entire device.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (571) 272-1981. The examiner can normally be reached on M-F (7:30-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (571) 272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AN


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